

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS
OCT 17 2014
BY DAVID J. MALAND, CLERK
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN PARKS TROWBRIDGE, JR., et al.,

Defendants.

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CIVIL NO. 9:14-CV-138 (RC)

JUDGE RON CLARK

**DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO
DENIAL OF DUE PROCESS OF LAW**

NOW COMES John Parks Trowbridge, Jr., specially and not generally, and respectfully and without attorney, in the above-captioned matter, to request that this Honorable Court take judicial notice of the enunciation of principles as stated in *Haines v. Kerner*, 404 U.S. 519, wherein the court directed that the pleadings of those unschooled in law, such as Defendant JOHN PARKS TROWBRIDGE, JR. (the “Defendant”), shall be held to less stringent standards than formal pleadings drafted by lawyers, and to object to denial of due process of law as documented herein and reflected in the record of this cause.

The record hereof evinces that the August 18, 2014, Amended Avoidance for Fraud and attached affidavit (collectively the “Confession and Avoidance”) (Dkt. #10) of Defendant JOHN PARKS TROWBRIDGE, JR. (the “Defendant”) confesses the truth of the facts recited in the instant Complaint and admits the apparent truth of the allegations and right of action of plaintiff United States of America (the “Plaintiff”), but also adduces facts and competent evidence that contradict, overcome, and deprive said admitted facts of legal effect.

Non refert quid notum sit judici, si notum non sit in forma judici. It matters not what is known to the judge, if it is not known to him judicially. *Bouvier’s Law Dictionary*, 3rd rev., 8th ed., p. 2150.

Only citizens or residents of the United States are of the subject, and their property of the object, of Title 26 U.S.C. (26 C.F.R. § 1.1-1(a)(1); Dkt. #10, p. 2 of 30). Whereas, the record of this cause is devoid of allegation, material fact, or dispositive evidence as to Defendant's citizenship, the only factor determinative of Defendant's liability to income tax and Plaintiff's right of action against Defendant's property, is whether Defendant is a resident of the Title 26 U.S.C. geographical United States.

As of the Court's receipt of Defendant's October 8, 2014-dated filing entitled "Judicial Notice: Certain Legislative Facts, Rules of Statutory Construction, and a Clarifying Note from the Secretary of the Treasury" (the "Judicial Notice"), in accordance with the contents of the Confession and Avoidance (Dkt. #10) and Judicial Notice the Court knows judicially that:

- The Title 26 U.S.C. States are the bodies politic of the District of Columbia, Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands and no other (Dkt. #10, pp. 17–19 of 30);
- The Title 26 U.S.C. geographical United States is comprised of the District of Columbia, Guam, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands and no other (*Id.*);
- Defendant resides in Tyler County, Texas, i.e., a section of territory situate without the Title 26 U.S.C. geographical United States (Dkt. #s 1-2, 1-3, 1-4);
- The real property of Defendant commonly known as 320 Private Road 7120, Woodville, Texas (the "Woodville Property") is located in Tyler County, Texas

(*id.*), which county is situate without the Title 26 U.S.C. geographical United States (Dkt. #10, 17–19 of 30);

- There is no evidence that Defendant is a resident of, domiciled in, or a legal resident of the geographical United States (*id.*);
- There is no evidence that Defendant is of the subject or Defendant's property of the object of Title 26 U.S.C. (26 C.F.R. § 1.1-1(a)(1); Dkt. #10, p. 2 of 30);
- There is no provision of law that authorizes Plaintiff to bring an action against John Parks Trowbridge, Jr. or the Woodville Property;
- The Plaintiff is bereft of authority to bring the instant action;
- Judicial Article III constitutional courts are courts of limited jurisdiction (*id.* at 21–23 of 30);
- The instant action is a Title 28 U.S.C. Chapter 176 Federal debt collection proceeding (*id.* at 24–25 of 30);
- The Court is a court of plenary jurisdiction (28 U.S.C. §§ 3002(2), (3), (8), (15); *id.* at 21–26 of 30);
- Courts of plenary jurisdiction, e.g., the Court, are legislative Article IV territorial courts with jurisdiction only in geographical areas described in Articles 1 § 8(17) or 4 § 3(2) of the Constitution (*id.*);
- Defendant is neither a resident of, nor the Woodville Property located in, any geographical area described in Article 1 § 8(17) or 4 § 3(2) of the Constitution;
- The Court and counsel for the Plaintiff (i.e., counsel for the United States, 28 U.S.C. § 3002(1)), are all co-workers in the same Federal corporation, i.e., the

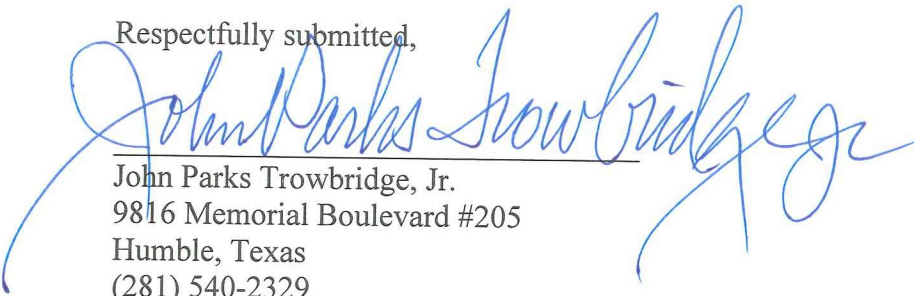
Title 28 U.S.C. Chapter 176 United States; *specifically*: the District of Columbia municipal corporation (Dkt. #10, pp. 21–26); and

- Notwithstanding that the legislature and officers of the District of Columbia municipal corporation are situated in the legislative branch of the national government established March 4, 1789 (Dkt. #10, pp. 21–26), and enjoy power of personal legislation and jurisdiction over citizens and residents of the District of Columbia and their property (*id.* at 4 of 30): There is no evidence that Defendant is a citizen or resident of the District of Columbia (*id.* at 1–4 of 4) and, as regards this lawsuit, the Court is proceeding in breach of the constitutional doctrine of separation of powers.

Notwithstanding that the Court knows judicially the contents of the Confession and Avoidance and the Judicial Notice, the Court continues to (1) omit to declare the law re the controlling definition and meaning of the material and indispensable Title 26 U.S.C. and Title 28 U.S.C. Chapter 176 terms adduced in the Confession and Avoidance and Judicial Notice, and (2) ignore the unopposed prayer of judgment in the unresolved Confession and Avoidance and prosecute the instant lawsuit in behalf of the Court's employer (Dkt. #15); which omissions operate to deny Defendant due process of law and to which Defendant objects.

DATE: October 16, 2014

Respectfully submitted,

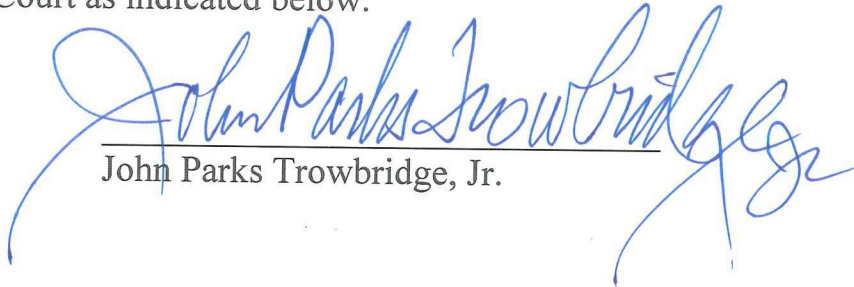


John Parks Trowbridge, Jr.
9816 Memorial Boulevard #205
Humble, Texas
(281) 540-2329

CERTIFICATE OF SERVICE

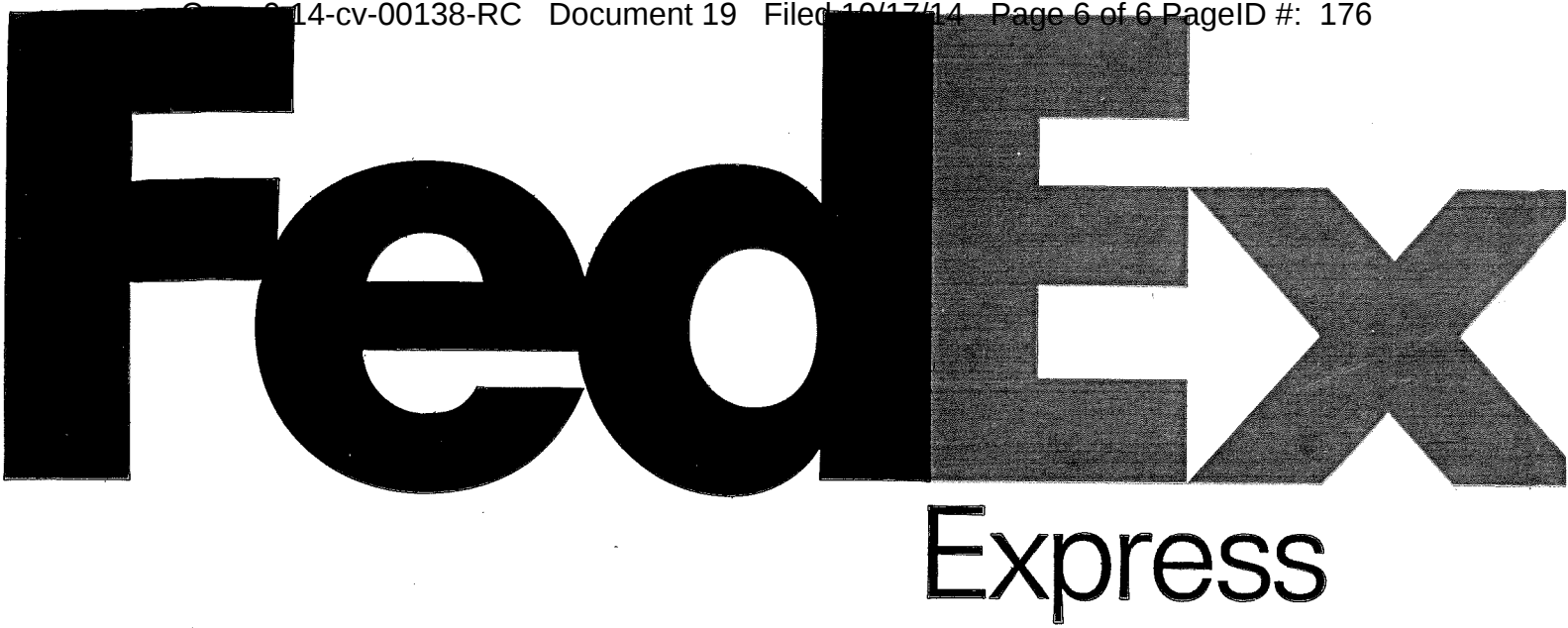
I, John Parks Trowbridge, Jr., hereby certify that on October 16, 2014, a true, correct, and complete paper copy of the foregoing DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO DENIAL OF DUE PROCESS OF LAW was served by overnight third-party commercial delivery service or overnight United States Postal Service delivery upon the counsel of record as indicated below. Further, two paper copies of the DEFENDANT JOHN PARKS TROWBRIDGE, JR.'S OBJECTION TO DENIAL OF DUE PROCESS OF LAW were filed on October 16, 2014, by overnight third-party commercial delivery service or overnight United States Postal Service delivery addressed to the Clerk of the District Court as indicated below.

Date: October 16, 2014


John Parks Trowbridge, Jr.

Joshua David Smeltzer
U.S. Department of Justice
Tax Division
717 N. Harwood Street
Dallas, TX 75201-0000

Clerk of the United States District Court
for the Eastern District of Texas
104 North Third Street
Lufkin, Texas 75901



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☐ FedEx 2Day Second business day.* Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
☐ FedEx Express Saver Third business day.* Saturday Delivery NOT available.

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☐ FedEx 1Day Freight Next business day.** Friday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
☐ FedEx 2Day Freight Second business day.** Thursday shipments will be delivered on Monday unless SATURDAY Delivery is selected.
☐ FedEx 3Day Freight Third business day.** Saturday Delivery NOT available.

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